

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,

Case No. 20-cr-101 (DWF/DTS)

Plaintiff,

ORDER

v.

Lyle Nierenz,

Defendant.

The Court, being duly advised in the premises, upon all the files, records, and proceedings herein, now makes and enters the following Order.

IT IS HEREBY ORDERED THAT:

1. The United States' Motion for discovery [Docket No. 14] is **GRANTED**.

Nierenz shall comply with Rules 16(b), 12.1, 12.2, 12.3, and 26.2 of the Federal Rules of Criminal Procedure.

2. Nierenz's Motion for pretrial disclosure of 404 evidence ("bad acts" evidence) [Docket No. 30] is **GRANTED**. The United States shall disclose Rule 404(b) evidence no later than two weeks before trial *or* upon learning of the existence of the evidence, whichever occurs later. This disclosure obligation is limited to information encompassed by Rule 404(b) and does not include acts intrinsic to the charged offense.

3. Nierenz's Motion for *Giglio* discovery and to compel production of *Brady* materials [Docket No. 33] is **GRANTED** consistent with the requirements of *Brady v. Maryland*, 373 U.S. 83 (1963) and its progeny. Within 10 days of the date of this order the United States must disclose all *Brady* and *Giglio* information in its possession or of which it has become aware as of the date of this order and must promptly supplement its

disclosure upon receipt of any additional *Brady* and *Giglio* information not previously disclosed.

4. Nierenz's Motion for discovery [Docket No. 34] is **GRANTED IN PART**. The United States shall continue to comply with its discovery obligations under the Federal Rules of Criminal Procedure and applicable case law. To the extent that Nierenz's motion seeks discovery beyond what Rule 16 requires, his motion is **DENIED**.

5. Nierenz's Motion for early disclosure of Jencks Act material [Docket No. 35] is **DENIED**. Based on the United States' prior representations to this Court, the Court understands the United States will voluntarily disclose all Jencks Act material no later than three days before trial.

6. Nierenz's Motion for discovery of experts [Docket No. 36] is **GRANTED**. The parties shall make expert disclosures no later than three weeks before trial.

Dated: October 8, 2020

s/ David T. Schultz
DAVID T. SCHULTZ
United States Magistrate Judge